



## Memorandum

To: NCWM S&T Committee  
Cc:  
From: NYCDOT, C2SMART, Kistler, MDOT  
Date: January 5, 2023  
Subject: Form 15 Support Memo – Handbook 44, Section 2.25

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### Introduction

This memorandum serves as a supporting document for the Form 15 submission which seeks to amend Handbook (HB) 44 Section 2.25, Weigh-In-Motion (WIM) Systems, to allow for the use of WIM systems for automated enforcement.

This memorandum specifically addresses comments received on the following items:

- Stakeholder engagement;
- Violation documentation (the information to be cited on each violation);
- Vehicles to be excluded from violations; and
- GVW and axle load tolerances.

### Background

Legislation authorizing the amendment of the Vehicle and Traffic Law was introduced in January 2021, and allows for the following by the City of New York:

- The establishment of a weigh-in-motion (WIM) demonstration program on I-278 in Kings County, imposing monetary liability on the owner of a vehicle for the failure of an operator to comply with gross vehicle weight and/or axle weight restrictions; and
- The installation and operation of up to (16) sixteen weigh-in-motion violation monitoring systems on the BQE, within the vicinity of the Atlantic Ave. interchange to Sands St.

Though legislation has been introduced to allow for the use of WIM systems for automated enforcement, the relevant US codes and standards have not yet been updated to address the implementation of these systems. The proposed amendment to HB 44, Section 2.25, addresses the technical requirements of the WIM system equipment. It is the position of the proposers that any additional requirements needed to issue violations will vary from jurisdiction to jurisdiction. The sections that follow outline what is specifically being implemented within the City of New York.

### Violation Documentation and Certification

New York City legislation requires the following information to be cited on each violation issued using a certified WIM system:



- The United States Department of Transportation vehicle number;
- The vehicle registration number;
- The gross vehicle weight and/or axle weight measured;
- The location where the violation took place;
- The date and time that the violation took place;
- One or more date and time stamped images identifying the motor vehicle and the information and data evidencing the alleged violation; and
- The certificate charging the liability.

In addition, in order to issue a violation, New York City requires that at least two independently detected gross vehicle weight and/or axle weight measurements be obtained by the WIM violation monitoring system.

## **Vehicles To Be Excluded from Violations**

Vehicles with shifting loads, including vehicle tankers will be excluded from violations. New York City's business rules require a trained person to review the evidence package and ensure that the violations follow the established rules, which require that clear verifying images are obtained and will include additional disqualifying characteristics for excluded vehicles, such as tankers.

## **GVW and Axle Load Tolerances**

Only the following loads will be considered in violation:

- GVW exceeding 110% of the maximum allowable GVW for the roadway; and
- Axle loads exceeding 120% of the maximum allowable axle load for the roadway.

These tolerances fall well within the tolerances specified in the proposed Table 2.2.1, and help ensure that only the worst offenders are issued violations.

## **Stakeholder Engagement**

To constructively engage a broad spectrum of stakeholders, a specialized task force was assembled in July 2022. The task force was comprised of representatives from State and Federal agencies, scale/WIM manufacturers, academia, and commercial trucking organizations, including: NYCDOT, Kistler, Rutgers University, NIST, FHWA, California DOT, Arkansas DOT, New Mexico DOT, Alaska DOT, Florida DOT, Commercial Vehicle Safety Alliance (CVSA), Michigan DOT, Purdue University, Windstream, NYS Department of Agriculture, Illinois DOT, Main DOT, Metler Toledo and International Road Dynamics.

In addition, presentations on this proposal have been given as follows:

- 8/30/21 – Presented before the Commercial Vehicle Safety Alliance (CVSA) Size and Weight Committee – The following WIM manufacturers/providers were in attendance – Intelligent Imaging Systems, Intercomp Company, International Road Dynamics, Kapsch TrafficCom, Kistler, Loadometer, PrePass, Mettler Toledo

- 7/25/22 & 9/14/22– Presented at an Automated Truck Weight Enforcement with WIM web meeting. The following WIM manufacturers/providers attended as well as other stakeholders– Mettler Toledo, Kapsch, International Road Dynamics, Intelligent Imaging Systems
- 9/20/22 – Presented for a second time before the Commercial Vehicle Safety Alliance Size and Weight Committee. The following WIM manufacturers/providers were in attendance – Intelligent Imaging Systems, Intercomp Company, International Road Dynamics, Kistler, Loadometer, PrePass, Mettler Toledo.
- Attended and presented form 15 changes at NEWMA, CWMA, WWMA, and SWMA. Due to limited time in the open hearings, we did pre-meetings with the S&T committee for the Southern and Northeast regions to allow time to go over the data and allow for more discussion.

The Commercial Vehicle Safety Alliance includes many of the largest trucking companies/industries/ associations involved in trucking in N. America including – ABF Freight, Wilbur-Ellis Company, J.B. Hunt Transport, Inc., MasTec North America, Western Dairy Transport, US Ecology, American Bus Associations, Oncor Electric Delivery, Knight Transportation, Michels, Riverside Transportation, Republic Services, Landstar Transportation Logistics, FedEx Ground, CSA – Independent Carrier Safety Association, Schneider, U-Haul International, Yellow Corporation, etc.

In addition to CVSA, we have personally included the following law enforcement in the process:

- Brad Marten – MCS Division Administrator at State of Montana & CVSA Size & Weight Committee Chair
- Kendell Jackson – N. Carolina Dept of Public Safety & CVSA Size & Weight Vice Chair
- Paul Clark – Florida DOT Statewide Scale Operations Mgr & CVSA Size & Weight Committee Secretary
- Aaron Reimer Commercial Vehicle Ohio Highway Patrol
- Captain Karl Mittelstadt – Wisconsin State Patrol Motor Carrier Enforcement Section
- Joshua Barnes – Captain, Maryland Dept of State Police Commercial Vehicle Enforcement Division

Letters of support for this Form 15 proposal have been submitted by:

- International Road Dynamics (IRD);
- C2SMART Tier 1 UTC at New York University (NYU); and
- Maryland Department of Transportation (MDOT)